

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Geraldine Burks
Debtor(s)

Bankruptcy Case No.: 16-23680-CMB
Issued Per May 3, 2018 Proceeding
Chapter: 13
Docket No.: 116 - 109, 111
Concl. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated March 1, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$1,300 as of May 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- H. Additional Terms: Fee application needed if any fee (including retainer) exceeds \$4,000 including any fees paid to prior counsel.
The Trustee's Certificate of Default to Dismiss [Dkt. #108] is Withdrawn.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: May 8, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Geraldine Burks
Debtor

Case No. 16-23680-CMB
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 40

Date Rcvd: May 08, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 10, 2018.

db +Geraldine Burks, 569 Sunnyfield Drive, Monroeville, PA 15146-1612
cr +Peoples Natural Gas Company LLC, Attention: Barbara Rodgers, 375 North Shore Drive, Pittsburgh, PA 15212-5866
14310693 ALLEGHENY COUNTY, C/O JORDAN TAX SERVICE, P O BOX 200, Bethel Park, PA 15102-0200
14310695 +BLUMENGARDEN, c/o NTL RECOVERY, 2491 PAXTON STREET, Harrisburg, PA 17111-1036
14310697 +CAPITAL ONE, PO BOX 30253, Salt Lake City, UT 84130-0253
14310698 +CAPITAL ONE BANK, PO BOX 30281, Salt Lake City, UT 84130-0281
14310699 +CHASE BANK, PO BOX 15298, Wilmington, DE 19850-5298
14310702 +CITIFINANCIAL, 605 MUNN ROAD E, Fort Mill, SC 29715-8421
14310703 +COMENITY BANK/ NWYRK & CO., PO BOX 182789, Columbus, OH 43218-2789
14317393 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
14358948 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701
14319145 +County of Allegheny, c/o Goehring Rutter & Boehm, 437 Grant Street, 14th Floor, Pittsburgh, PA 15219-6101
14310704 FREDDIE MAC, 8200 JONES BEACH DRIVE, Mc Lean, VA 22102-3110
14310707 MACYS, PO BOX 8218, Monroe, OH 45050
14310708 +MONROEVILLE MUNICIPAL AUTHORITY, 219 SPEELMAN LANE, Monroeville, PA 15146-3903
14310709 +PEOPLE'S NATURAL GAS, c/o CREDIT PROTECTION ASSOC., 13355 NOEL ROAD, SUITE 2100, Dallas, TX 75240-6837
14298446 +PNC BANK, C/O KLM LAW GROUP, 701 MARKET ST, STE 5000, Philadelphia, PA 19106-1541
14310712 PNC MORTGAGE, PO BOX 1820, Dayton, OH 45401-1820
14366482 +PNC Mortgage, a division of PNC Bank, NA, Attn: Bankruptcy, 3232 Newmark Drive, Miami, OH 45342-5421
14346938 +Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828
14310713 +RADIO SHACK/CBNA, PO BOX 6497, Sioux Falls, SD 57117-6497
14364839 UPMC Community Medicine, PO Box 1123, Minneapolis, MN 55440-1123
14362521 UPMC East, PO Box 1123, Minneapolis, MN 55440-1123
14364840 University of Pittsburgh Physicians, PO Box 1123, Minneapolis, MN 55440-1123
14310716 +WOODHAVEN CARE CENTER, c/o IC SYSTEMS COLLECTIONS, PO BOX 64378, Saint Paul, MN 55164-0378

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

cr E-mail/PDF: rmscidi@recoverycorp.com May 09 2018 01:53:56
Recovery Management Systems Corporation, 25 S.E. Second Avenue, Suite 1120, Miami, FL 33131-1605
14310694 +E-mail/Text: bknotice@ercbpo.com May 09 2018 01:57:09 AT&T, c/o ENHANCED RECOVERY, PO BOX 57547, Jacksonville, FL 32241-7547
14310696 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 09 2018 01:53:54 CAPITAL ONE, c/o PORTFOLIO RECOVERY, 120 CORPORATE BLVD., Norfolk, VA 23502-4952
14310701 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 09 2018 01:53:23 CITIBANK, c/o PORTFOLIO RECOVERY ASSOC., 120 CORPORATE BLVD. STE 100, Norfolk, VA 23502-4952
14310700 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 09 2018 01:53:54 CITIBANK, c/o PORTFOLIO RECOVERY, 120 CORPORATE BLVD., Norfolk, VA 23502-4952
14367718 +E-mail/Text: kburkley@bernsteinlaw.com May 09 2018 01:57:32 Duquesne Light Company, c/o Peter J. Ashcroft,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,, Pittsburgh, PA 15219-1945
14310705 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 09 2018 02:11:28 GE CAPITAL RETAIL BANK, c/o PORTFOLIO RECOVERY, 120 CORPORATE BLVD. SUITE 100, Norfolk, VA 23502-4952
14310706 +E-mail/Text: bnckohlsnotices@becket-lee.com May 09 2018 01:56:36 KOHLS DEPARTMENT STORE, PO BOX 3115, Milwaukee, WI 53201-3115
14298447 +E-mail/Text: fnb.bk@fnfg.com May 09 2018 01:57:18 PNC BANK, 300 WEST MAIN STREET, Monongahela, PA 15063-2410
14343570 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 09 2018 01:53:56 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
14318738 E-mail/Text: bnc-quantum@quantum3group.com May 09 2018 01:56:44 Quantum3 Group LLC as agent for, CF Medical LLC, PO Box 788, Kirkland, WA 98083-0788
14299205 E-mail/PDF: rmscidi@recoverycorp.com May 09 2018 01:52:54 Recovery Management Systems Corporation, 25 S.E. 2nd Avenue, Suite 1120, Miami, FL 33131-1605
14310714 E-mail/PDF: gecscidi@recoverycorp.com May 09 2018 01:53:52 SYNCB/JCPENNEY, PO BOX 965007, Orlando, FL 32896-5007
14310715 +E-mail/PDF: gecscidi@recoverycorp.com May 09 2018 01:53:20 SYNCB/OLD NAVY DC, PO BOX 965005, Orlando, FL 32896-5005
14310717 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com May 09 2018 01:52:53 WORLD FINANCIAL NETWORK BANK, C/O PORTFOLIO RECOVERY ASSOC., 120 CORPORATE BLVD. STE 100, Norfolk, VA 23502-4952

TOTAL: 15

District/off: 0315-2

User: jhel
Form ID: 149

Page 2 of 2
Total Noticed: 40

Date Rcvd: May 08, 2018

***** BYPASSED RECIPIENTS (continued) *****

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Allegheny County
cr Duquesne Light Company
cr PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST
14310711* +PNC BANK, 300 WEST MAIN STREET, Monongahela, PA 15063-2410
14310710* +PNC BANK, C/O KLM LAW GROUP, 701 MARKET ST, STE 5000, Philadelphia, PA 19106-1541
TOTALS: 3, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 10, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 8, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST TO NATIONAL CITY REAL ESTATE SERVICES, LLC, SUCCESSOR BY MERGER TO NATIONAL CITY MORTGAGE INC., FORMERLY KNOWN AS NATIONAL CITY MORTGAGE CO. bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor Allegheny County jhunt@grblaw.com, cnoroski@grblaw.com
Joshua I. Goldman on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION, SUCCESSOR IN INTEREST TO NATIONAL CITY REAL ESTATE SERVICES, LLC, SUCCESSOR BY MERGER TO NATIONAL CITY MORTGAGE INC., FORMERLY KNOWN AS NATIONAL CITY MORTGAGE CO. bkgroup@kmlawgroup.com
Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft on behalf of Creditor Duquesne Light Company pashcroft@bernssteinlaw.com, ckutch@ecf.courtdrive.com;acarr@bernssteinlaw.com
Ronda J. Winnecour cmecf@chapter13trusteeewpa.com
Russell A. Burdelski on behalf of Debtor Geraldine Burks atyrusb@choiceonemail.com
S. James Wallace on behalf of Creditor Peoples Natural Gas Company LLC sjw@sjwpgh.com, srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com

TOTAL: 8